

REMARKS

Claims 1-24 are currently pending in the application. Claims 1, 4, 11, 13 and 18 have been amended. Claims 3, 12, 19, and 20 have been cancelled. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. §102, Anticipation

The Examiner has rejected claims 1, 2, 4-11, 13-18, and 21-24 under 35 USC §102 as being anticipated by Nassiri (US Pub. No. 2002/0143711). This rejection is respectfully traversed.

Nassiri does not teach all of the limitations recited in independent claims 1, 11, and 18 of the present invention. Specifically, Nassiri does not teach or suggest adding an acceptance option for a Consent to Electronic Records (CER) to the electronic document and requiring a CER from a signer before allowing the document to be executed. This omission by Nassiri could have serious legal consequences depending on the jurisdiction in question.

Furthermore, the manner in which Nassiri stores and applies the notary seal differs from the approach used in the present invention. Nassiri employs a notary seal input device that is independent from the desktop manager application used to perform the notarization function. In the preferred embodiment of Nassiri, the notary seal input device is a portable hardware device that is separate from the computer system running the desktop manager. Nassiri briefly mentions that the notary seal input device may also be a function imbedded in the local computer system. However, the notary input device is always described as a separate entity from the desktop manager, with both entities being dependent upon each other to function. Specifically, Nassiri teaches:

[0096] The electronic notary seal input device 90 is a device that is independent of the desktop manager 30 but nonetheless operates only in conjunction with the desktop manager's 30 notarization function. Likewise, the desktop manager's 30 notarization function only operates when activated by the electronic notary seal input device 90. The electronic notary seal input device 90 may be a function embedded in the customer local computer system 20 or a portable device that attaches to the customer local computer system 20. The electronic notary seal function 115 will only operate in conjunction with the notary seal input device 90 verifying the credentials of the notary public 100 in the host computer system 40 registration database. As stated, verification information consists of that information required by law to license and register with a respective state as a notary public.

[0097] In the preferred embodiment of the present invention, the electronic notary seal input device 90 is a remote hardware device that remains in the sole possession of the notary public 100. The notarization function of the desktop manager 30 will only run when the electronic notary seal input device 90 is attached to the notary public 100 customer local computer system 20. The remote electronic notary seal input device 90 is a hardware-based security portable device that attaches to the serial or parallel printer port of the notary public 100 customer local computer system 20, including a portable laptop of the traveling notary public 100. The remote electronic notary seal input device 90 utilizes a hardware key that uses codes and passwords embedded inside the key to control access to the desktop manager's 30 notarization function. While activated, the electronic notary seal input device 90 receives encoded data from the desktop manager 30 and decodes it in a way that cannot be imitated. The decode data that is returned from the remote electronic notary seal input device 90 is deployed in the desktop manager 30 so that it affects the mode in which the desktop manager 30 executes the notarization function 110. The remote electronic notary seal input device 90 is programmed to execute a notarization 110 upon a verified match with the desktop manager 30. After decoding, a verified match executes the notarization function of the desktop manager 30 that in turn activates the execution of the electronic notary seal 115 which is embedded in the remote electronic notary seal input device 90.

In the present invention, the seal is stored by the notary application itself. A great advantage of the present invention is that all functions of storing and applying the seal are bundled together in the same software package that is used to execute the other notarization functions. Nassiri does not teach this and in fact teaches in the opposite direction by placing great emphasis on keeping the notary seal input device separate from the desktop manager application.

Because claims 2, 4-10, 13-17, and 21-24 depend from claims 1, 11, and 18 respectively, they are distinguished from Nassiri for the reasons explained above.

Therefore, it is respectfully asserted that the rejection claims 1, 2, 4-11, 13-18, and 21-24 under 35 USC §102 have been overcome and should be withdrawn.

II. Conclusion

It is respectfully submitted that the claims are now in condition for allowance and are patentable over the cited prior art reference.

A first Office Action on the merits is now respectfully awaited. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact David W. Carstens at 972.367.2001.

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